

August 1.

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CAPT. JACOBS WILL GO TO NORTH BAY.

Encouraging Reports of Mackerel Schooling There.

That there are plenty of mackerel in the bay is the welcome message which has been transmitted to Capt. Solomon Jacobs of this city and the great mackerel king will take immediate steps to justify his record and reputation in this line of the fishery industry.

Capt. Jacobs has received private advice relative to the schooling of mackerel in that section of the Atlantic ocean. He has taken sch. Georgia, of Boston, which he will fit out and proceed to the bay.

Capt. Jacobs will not give out the source of his information, but that it is authentic is undoubted, and he will act upon the information received. This may mean a complete turn in the tide of the mackerel fishery for the season and it is a condition to be most devoutly looked forward to.

The craft which Capt. Jacobs takes command of is one of the best on the Atlantic seaboard. As a mackerel catcher Capt. Jacobs has no peers and it is to be hoped that this venture will add only to his previous successes in this line. It may be that the letter which Capt. Jacobs has received will be made public in a day or two, but at the present he seems desirous of keeping the source of his information a secret.

Season Apparently Over on New England Coast.

The mackerel situation so far as this shore is concerned, remains unchanged, reports by incoming seiners being unfavorable, and it looks now as if the season was over on the New England coast. The vessels now arriving will not go out again, as the crews are tired of conditions that now

prevail. Some of them will fit for North Bay, and already sch. Premier has sailed. Word from that locality report some mackerel being taken at several places, and the Canadian Fish Bureau report 75 barrels of large mackerel being taken in a trap at Yarmouth, N. S., Thursday last.

It seems to be the opinion of many who have studied the mackerel situation that vessels now going to the North Bay will secure good trips, for it is the right time to go down there, when the mackerel will commence to school off North Cape, off the north side of Prince Edward Island and northwest of Magdalenes. This is the mutual fishing ground and it is just at this time when good trips were secured by the hook and line fishermen. For 30 years no one has gone to the bay, so the mackerel have not been disturbed, and so some think that the waters of that section are swarming with the fish.

Sch. Nellie Dixon, which is at Boston today, has 30 barrels of salt mackerel, which were taken some time ago.

Schs. Veda M. McKown, Mary E. Harty and Patrician have arrived from seining without any fish.

Sch. Diana is now fitting for a seining trip to North Bay.

For North Bay.

The new sch. Premier, Capt. George Hamer, sailed Saturday afternoon on a mackerel seining trip to North Bay, and Capt. James McLean is now fitting out sch. Diana for a similar trip.

Capt. Thomas White will now try his hand in the old time hook and line fashion, and will fit out sch. Margie Smith for a North Bay mackerel trip. This is the first hook and line mackerel fisherman from this port for several seasons.

TWO FISHING TRIPS IN PORT.

Shore Boats and Pollock Seiners Doing Nothing.

August is ushered in with the arrival of only two fishing trips, so receipts are of the lightest order. Sch. Fishhawk from LeHave Bank having in 50,000 pounds of salt and fresh mixed fish, and sch. Kineo via Portland, which arrived Saturday evening, having 2500 pounds of salt and fresh mixed fish for disposal.

The shore boats landed nothing and two little pollock seiners report no success, so that the market, so far as buying is concerned, is inactive.

The arrivals and receipts in detail are:

Today's Arrivals and Receipts.

Sch. Kineo, via Portland, 20,000 lbs. fresh fish, 50,000 lbs. salt cod.

Sch. Fish Hawk, LeHave Bank, 30,000 lbs. fresh fish, 20,000 lbs. salt cod.

Sch. Veda M. McKown, seining.

Sch. Patrician, seining.

Sch. Mary E. Harty, seining.

Steamer Jeffrey, seining.

Sch. Marguerite, 5 swordfish.

Vessels Sailed.

Sch. Thalia, haddocking.

Sch. Flora J. Sears, haddocking.

Sch. Emerald, haddocking.

Sch. Lucania, shacking.

Sch. Actor, Boston.

Sch. Massasoit, swordfishing.

Sch. Charles A. Dyer, shore.

... Diana, seining.

Today's Fish Market.

Large halibut cod, \$3 per cwt.; medium cod, \$2.75; snappers, \$1.50.

Trawl salt Georges cod, large, \$3.50; mediums, \$3.

Large salt handline Georges cod, \$3.50; mediums, \$3.

Trawl bank cod, large, \$3 per cwt.; medium, \$2.75; snappers, \$1.50.

Salt cusk, large, \$2.50 per cwt.; medium, \$2; snappers, \$1.

Salt pollock, \$1.25 per cwt.; salt haddock, \$1.25; salt hake, \$1.25.

Round pollock, 70c per cwt.

Outside sales, trawl bank cod, \$3.35 per qtl. for large and \$3 for medium.

Outside sales dory handline bank cod, \$3.65 per qtl. for large and \$3.37½ for medium.

Splitting prices for fresh fish, Western cod, large \$2.25 per cwt.; medium do., \$1.80; Eastern cod, large, \$1.75; medium cod, \$1.60; cusk \$1.60 for large, \$1.20 for medium and 50c for snappers; haddock, \$1; hake, \$1; pollock, round, 65c; dressed, 70c.

August 1.

GOT TWO SWORDFISH.

Unheard of Record Made by Silas Golder of Sch. Bernie and Bessie.

Fresh water fishermen and salt water fishermen have often caught two good fish on a line, small ones, but for the first time on record two swordfish have been caught at once. This remarkable and previously never recorded feat was performed by Silas Golder, a member of the crew of sch. Bernie and Bessie, which arrived at Portland Thursday. Yesterday he was telling his friends of the feat and the oldest fishermen say they never heard of the like before.

When the Bernie and Bessie was on her recent swordfishing trip, which netted 42 big fellows a particularly good fish was sighted, the harpoon was thrown and Mr. Golder with other members of the crew, went in a dory after him. It was a merry chase for a while. When the line was hauled in, Mr. Golder found it twisted and twined and retwisted and retwined around the tail of a big fellow. He thought this was the fish harpooned, but after that fellow had been taken off, the line was still heavy and he kept hauling. Then the fish that had really been struck was brought in. Mr. Golder said that if he had known there were two swordfish on the line the chances are that he would have been so nervous that he would have lost both of them. However, he got them and also has the distinction of doing what no other man has ever done.

August 2.

NEARING END OF FISHERIES CASE.

Sir W. S. Robson, the British attorney-general, resumed his summing-up speech in the arguments upon the The Hague arbitration tribunal yesterday, taking up the arguments advanced by the American representatives.

Combatting the American point of view regarding the status of bays, he declared that, if large bays could be regarded as territorial waters only when other nations agreed to this, America would lose its jurisdiction over Delaware and Chesapeake bays; for if the court upheld the erroneous American claim in regard to Newfoundland waters, Great Britain would withdraw its recognition of the territoriality of those American bays.

FLEET WILL NOW ABANDON SEINING.

Although Some Vessels May Seek Mackerel in North Bay.

There is nothing favorable from the mackerel seiners and gradually the fleet are dropping out to engage in other fishing with the exception of those who will go to North Bay. Sch. Slade Gorton arrived last evening and will now fit out for shacking and she will be followed by others on their arrival, unless something unforeseen happens, but at present time there is nothing reported in sight.

The vessels now in pursuit of mackerel on this coast number about 10 sail and they will discontinue seining on their arrival. How many will go to North Bay is not yet known, but it seems to be the general opinion that the outlook is good to secure a good trip down there.

Those who will continue seining the remainder of the season will doubtless go down to Sydney this fall, as they have done in past years, but it will not be more than a half dozen sail.

The vessels arriving report seeing some small schools of mackerel on the Rips, but they are wild and impossible to catch and at the first breeze they will leave that locality not to be found again this season.

From the Maine coast comes the report that no mackerel of any kind is being seen off that shore, but from Nova Scotia, the official bureau reports some being taken in traps, nets and by the hook at various places from Yarmouth to Bay Chaleur.

Heavy Run of Mackerel on Nova Scotia Coast.

A Halifax, N. S., dispatch today says a heavy run of mackerel struck in along the western shore yesterday and today. Thousands of the fish were caught in nets and traps.

This is the best news from the mackerel fishery for a long time and doubtless some of the seiners will go down there.

Old-Time Fishermen Lament the Once Prosperous Industry.

Like "Rachel weeping for her children," the few old-time mackerel fishermen who remain can sit upon the cap log of some wharf and lament over the residue of a once prolific and profitable industry.

Capt. Gideon Lane, who commanded the new sch. Good Templar in North Bay in the hook and line mackerel fishery in 1866 was in this city a few days ago and was heard to say that during that season from the 10th of July to 1st of November, he made two trips down there and secured a full fare each time.

It is food for thought as one looks back over those halcyon days and compares them with the present time, but the mackerel fishery has changed into a sort of a "new woman," for the expense of the latter is very costly and the same can be said about the present method of mackerel fishing.

On about every wharf at the head of the harbor beneath the shades of an oaken grove, can be seen numerous and costly great seine boats of no use at present time, and fast going to decay. Then in nearly every field can be seen great seines and nets spread out drying to be packed away in the store house. These new devices, made out of costly Seal island cotton for fishermen you know, must have the best and most expensive whether it recompense them for the outlay.

Compare that with 50 years ago, when a vessel bound for North Bay, with a crew of 20 men, the captain would walk down the wharf carrying in one hand a bunch of little lines, and in the other a few pounds of pewter to make fishing jigs, each man making his own, and the whole expense did not exceed \$100. Outside of the barrels, salt food and a few barrels of salted clams and porgie slivers for bait was about all the expense there was.

Season's Receipts as Compared with Previous Years.

The total salt mackerel landed by the fleet for the season to date have been 2626 bbls. against 13,248 bbls. last year, 16,588 bbls. in 1908, 18,808 bbls. in 1907, 5523 bbls. in 1906 and 25,769 bbls. in 1905.

The arrivals of fresh mackerel for last week were 53 bbls. from the fleet and 6 bbls. from Canada. The total fresh landed by the fleet to date have been 18,584 bbls. against 41,165 bbls. last year, 44,705 bbls. in 1908, 44,383 bbls. in 1907, 26,088 bbls. in 1906 and 50,195 bbls. in 1905. The imports of fresh mackerel for the season to date have been 1637 bbls. against 5987 bbls. last year, 5202 bbls. in 1908, 4953 bbls. in 1907 and 14,629 bbls. in 1906.

On the New England coast the outlook is not very good for an additional catch, but from other points the reports are better. Late advices from the Magdalen Islands report the first catch of summer mackerel made July 22. The fish were of mixed sizes, which is considered favorable. Packing for the American market has just begun in Norway, the total packed to July 9 being 347 bbls. A fair quantity of mackerel is being caught and packed on the Irish coast, the fish running 400 to 410 to the salted barrel. The mackerel landed on the Irish coast in June were 27,791 bbls. against 33,756 bbls. for the same time last year.

August 2.

Will Appeal Decision.

Assistant Attorney General Lloyd, at New York, has been instructed by the treasury department to appeal to the customs court of appeals the recent decision of the general appraisers board that kippered herring in tins are properly dutiable at half cent a pound.

Sch. Yakima at Portland.

Sch. Yakima, Capt. Robert Wharton arrived at Portland today with a good fare of 17,000 pounds of halibut, 20,000 pounds of fresh mixed fish and 5000 pounds of salt cod.

The halibut sold at 11 1-4 cents per pound, which is an extremely high price at this time of year.

Returned to Their Home.

Capt. Cahoon of sch. Georgia has turned his vessel over to Capt. Solomon Jacobs, and himself and crew left today for their homes at Chatham. Capt. Cahoon was very successful this season and has made a very good stock in mackerel fishery for an off year.

Halibut Sales.

The fare of halibut of sch. Massachusetts sold to the American Halibut Company at 10 cents per pound right through, an unusually high price at this time of the year.

BOSTON MARKET WELL SUPPLIED.

But Prices Show An Advance Over Yesterday.

Receipts of fish are quite liberal at Boston today, for 20 or more vessels arrived since yesterday, so that the market is fairly well supplied.

Prices of cod, haddock and in all kinds of ground fish are firm and show an advance over that of yesterday's. Most of the vessels are in from off shore, so that receipts are larger and of such a variety as the trade require.

Haddock and cod sold at from \$3.75 to \$5 per cwt., which is unusually high at this season. But the shore fishermen are bringing in only a few fish, so that the dealers are not overstocked, such as usually seen, when heavy consignments come from Maine and the Maritime provinces.

The fares and prices in detail are:

Boston Arrivals.

Sch. Columbia, 1000 pollock.
Sch. Eva Avina, 6000 pollock, 1 swordfish.
Sch. Josie and Phebe, 40,000 haddock, 9000 cod, 20,000 hake.
Sch. John J. Fallon, 28,000 haddock, 10,000 cod, 20,000 hake.
Sch. Philip P. Manta, 6000 haddock, 40,000 cod, 6000 hake.
Sch. Appomattox, 19,000 cod.
Sch. Ethel B. Penney, 20,000 cod.
Sch. Good Luck, 22,000 cod, 6000 pollock.
Sch. Mary Enos, 4000 haddock, 7000 cod, 20,000 hake, 6000 cusk.
Sch. Laura Enos, 5000 pollock, 1 swordfish.
Sch. Cherokee, 8000 pollock.
Sch. Catherine D. Enos, 43 swordfish.
Sch. Olive F. Hutchins, 24,000 haddock, 7000 cod, 12,000 hake.
Sch. Mary C. Santos, 11,000 haddock, 23,000 cod, 3000 pollock.
Steamer Philomena, 125 bbls. blueback herring.
Haddock, \$3.75 to \$4; large cod, \$4 to \$5; market cod, \$2 to \$4; hake, \$1.50 to \$1.75; cusk, \$1.50; pollock, \$3 to \$3.25; swordfish, 20c to 20 1/2c per lb.

Former Yacht Philomena Making Money.

The converted yacht Philomena has been making money ever since she joined the fishing fleet, and recently has been making more than ever. Saturday she was at Boston with 40 barrels of blueback herring, for which her captain received \$2.50 per barrel, and 500 pounds of butterfish, for which the dealers paid 12 cents a pound, and was back yesterday with 120 barrels of bluebacks, for which the captain received \$2.50 a barrel. As she has no bait to buy, and very little ice, and no lines and hooks to provide for, the receipts are mostly profit, and represent only one night's work for each trip.

Fisherman Taken to Hospital.

Tony Deyes, one of the crew of the swordfisherman Francis V. Sylvia, was taken to the Chelsea hospital yesterday. He had been suffering from an abscess for some time, and when his vessel reached Boston on Sunday went to the City hospital relief station, but as the recovery from the operation would take some time, he was advised to go to the Marine hospital and was taken there yesterday morning.

New Steam Trawler Foam Nearly Completed.

The new steam trawler Foam, which is being built at the Fore River works, is nearly ready for launching. The plates are all on the hull, and the deck is on, the houses up, and the owners expect that she will be launched some time this month, and will be ready to make her first trip for fish in regular commission by October 1. The new steamer will be of American type of model, and will be larger than the Spray.

COLLECTING SEED LOBSTERS.

Government Steamer Finishes Work in This Section.

The steamer Gannett has finished collecting seed lobsters for this season. In speaking of the season, Capt. George W. Greenleaf said it could not possibly have been more successful. Of all the eggs that have been collected, fully 90 per cent. of them have been hatched out and the young lobster fry has been planted along the coast from Eastport to Newburyport. If these lobsters grow to maturity as many others have in the past there will be no doubt about the continuation of a supply. In addition to the work with lobsters, the Gannett has been busy collecting the eggs of cod and flounders and planting the fry and many millions of these kind of fish have been liberated along the coast.

August 2.

August 2.

SIR JAMES WINTER DEFENDED NEWFOUNDLAND REGULATIONS.

Told Tribunal Local Fishermen Were Principal Ones Affected.

Claimed Herring Prohibition Affected Trade Relations.

(From Our Special Correspondent.)

Continuing his argument in behalf of Newfoundland at the international court of arbitration at The Hague, Sir James Winter of Newfoundland took up the provision of the Newfoundland fishery law, which prohibits the taking of bait fish on Sunday.

He claimed such legislation was and is necessary because the bait fishes of Newfoundland, and particularly the herring and caplin, were of such habits that it was and still is believed that it is necessary to give them what is called a day of rest somewhere or other that the continuous prosecution of the fishery has the effect of driving the fish away from the places to which they have been in the habit of resorting.

He further claimed that if one small place to which the fish go is continually being fished, nets being put out and boats brought there and their moorings put out and catching going on continually, without any intermission, the effect would ultimately be in the course of time to drive the fish away from these grounds, and it was necessary there should be an intermission of some time or other of the practice of continuous fishing. And it was believed that that purpose, as well as the observance of the Sabbath, could be combined by making that day a sort of a day of rest for these two fishes.

Nets Could Remain in the Water Over Sunday.

In answer to a question by Judge Gray, if the Sunday law permitting the staking of nets that might work in the absence of their owners on Sunday, Sir James replied that the act prohibited the actual placing of nets on Sunday.

Judge Gray—But in practice, could they not place such nets, as Mr. Turner intimated they could, on Saturday night in the secular part of the week, and let it remain till Monday, so that it might work in the absence of the owner?

Sir James Winter—Oh, it might be left in the water, if it was put out Saturday night, until Monday morning.

Judge Gray—Well, then, that would effectuate the object of giving the herring a rest, would it?

Sir James Winter, Oh, yes, it would.

Judge Gray, continuing—Although it gave a rest to the owners of the nets.

Sir James Winter—I must correct that misapprehension. The Sunday prohibition applies only to seining, not to nets. It has not the same effect at all. The effects of a net, with a few herring in it, as described by counsel, struggling in the water, would not do any harm such as I have been endeavoring to describe. There would be no objection to that. It is the catching by seines every day in the week that is objectionable.

Claimed Act Referred to Seiners Only.

Dr. Drago, one of the members of the tribunal, and the president, called Sir James' attention to the reading of section four of the act, which forbids the setting out of nets, seines, bunts or other contrivance between midnight Saturday night and midnight Sunday night.

Sir James claimed that this agreed with the statement he had just made, that the mere leaving out of a small net in the water during Sunday is not objectionable. It does not do any harm. But constantly putting out and hauling in nets is what produces the effects that are intended to be prevented by this legislation—the constant thrashing of the water, etc., by the boats and the moorings, and the putting out and hauling in of the nets, the oars, etc.—these are things which it was considered were doing harm and driving the fish away from the grounds; and that if a fisherman put his net out Saturday night and left it there until Monday morning, there was no harm done. However, he said he was not discussing the propriety or otherwise of the measure, he was only endeavoring to explain, as far as he knew, the reasons why the legislation was passed.

Foreign Fisheries Act Referred to Commercial Transactions.

Referring to the foreign fisheries act of 1903, which prohibited American vessels from buying bait and gave power to officers to board and examine such vessels, and also prohibited any Newfoundland from becoming one of the crew of such vessel, or rather a provision for the punishment of the owner of such vessel if it were found that he had engaged any men without a license. Sir James said the act was passed in view of the fact that negotiations were going on between Newfoundland and the United States, with a view of making a commercial treaty which culminated in the Bond-Hay treaty, and was passed, as it were, to keep things right, to keep things smooth, while these negotiations were going on. But these negotiations, and the failure to come to terms, had no reference whatever to the question of treaty rights, they related entirely to commercial or fiscal questions.

Whether the treatment which the

Americans received when they came to Newfoundland to purchase herring was hostile or not, friendly or unfriendly, it had nothing to do with the treaty of 1818.

Act of 1893 Allowing Shipping of Crews Applied to Emergencies.

Then the act of 1905 was passed. The issue then between the parties, or the trouble or difficulty that led to the enactment of this measure related entirely to what may be called commercial matters or commercial transactions.

The provisions of the act of 1893 which were in force up to that time concerning the engagement of crews clearly had reference only to the engagement of two or three men in case there might be a shortage of the crew in case of accident, a man leaving or becoming ill or some more men being required. Further, it was to meet the case of a bona fide fishing vessel coming down into Newfoundland waters being short of a man, or requiring a man or two that this provision was put in to enable the master to get a man in Newfoundland to make up his crew.

Policy Regarding Shipping Crews Has No Bearing on Treaty.

In 1905 matters stood upon a different footing and the position that then presented itself was this:

The Newfoundland government, acting under the powers which they had under their acts, refused to permit the fishermen of Newfoundland to sell herring to the Americans, which they claimed they had a perfect right to do, and to which the treaty of 1818 had no reference whatever.

This policy or course adopted by the Newfoundland government with regard to the shipping of crews has not, and ought not to be permitted to have any bearing upon the questions that are now before the tribunal in relation to keeping faith, or not keeping faith, in the matter of the articles of the treaty of 1818. It was simply a termination of what may be called "commercial privileges," that is, the right to come in and buy herring, the fishermen of Newfoundland then being prohibited, or not being permitted, to sell herring to United States fishermen.

Now, this is what took place: The United States fishermen resorted to the plan which is the subject of discussion under another question here, that is, of employing, not as the Newfoundland government contend, a bona fide crew as a fishing crew for its vessel, but employing a number of men, Newfoundlanders, to catch fish for them, and put them on board their vessels, calling or describing that as part of their crew.

As a matter of fact it appears the very first fish that were caught under this arrangement were

Paid for at the Rate of so Much Per Barrel

for the number of barrels of herring that they put on board, not as servants would be paid at the rate of so much per day for their services as members of a crew. In other words, substantially, for all practical purposes, it was just as much a purchase and sale of herring as it was before the act of 1905.

That was the condition of things existing in 1905. I merely call attention to it on account of the observations which were made by learned counsel, Mr. Turner, when he called the attention of the tribunal to the unfriendly character, the hostile character as he termed it, of this legislation as against the American fishing vessels, that under this they were prohibited, as it would appear, from doing that which no friendly power would interfere with, that is, preventing them from getting a sufficient number of men to make up their crews, and so on. It was not to prevent them from getting bona fide crews, it was done to prevent them from going through a transaction which, under the name of hiring men for their crew, was nothing more than the purchase of herring, which they had decided to prohibit, and which they had already prohibited by their own statutes, and by the power vested in the governor-in-council for that purpose.

Prohibition of Purchase of Herring Retaliatory.

Judge Gray: Sir James, what was the policy of that prohibition of the purchase of herring?

Sir James Winter: It was because the parties had come to a dead-lock over other commercial negotiations. They had been endeavoring to negotiate terms for a sort of reciprocity, mutual trade relations, tariffs, and so forth, and they had failed entirely in their negotiations. The United States on the one side wanted to come down and get our herring, take them up to the United States, as they had been doing. They got the herring and imported it into the United States, although purchased from Newfoundland people, as appears abundantly by the correspondence. They had been taking these herring into the United States market and selling them. The government of Newfoundland were endeavoring to make, as I have said, terms of reciprocity with the United States, under which herring and other fish of Newfoundland might be admitted duty free into the United States market in

return for considerations or other privileges.

Judge Gray: It was retaliatory?

Sir James Winter: Purely retaliatory fiscal legislation, one country legislating against another upon purely commercial matters.

And, this legislation of 1905 was followed by a more stringent measure in 1906 on the part of Newfoundland, which prohibited the fishermen of Newfoundland from engaging as part of the crew of United States vessels. This policy or act on the part of Newfoundland, was, as I have said, the outcome of this dead-lock.

